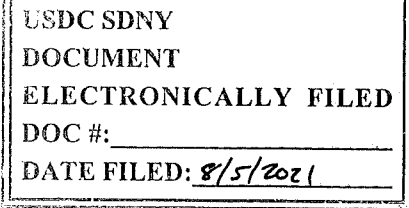


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
KIMBERLY SMITH,

Plaintiff,

v.

PAROLE OFFICER ROBERT B.

ROSENBERGER, individually and in his

official capacity; PAROLE OFFICER

MICHAEL P. KENNY, individually and in his

official capacity; JOHN LENARD HOME,

Hudson Valley Assistant Regional Director;

JOHN J. CUEVAS, Peekskill Area Bureau

Chief; JOHN GEMMATI, Hudson Valley

Regional Director; PAROLE OFFICER JANE

DOE, individually; and JACK AND JILL

DOES I-XIV, in their individual and official

capacities,

Defendants.
-----X**ORDER**

20 CV 1274 (VB)

On April 27, 2021, the Court issued an Order of Service directing the Clerk of Court to deliver to the U.S. Marshals Service all paperwork necessary for the Marshals Service to effect service upon several defendants. (Doc. #124). On April 29, 2021, the Clerk of Court issued summonses as to three defendants: John J. Cuevas, John Gemmati, and John Lenard Home.

On June 30, 2021, the Marshal's Service docketed an unexecuted Acknowledgment of Receipt of Summons and Complaint for defendant John Lenard Home. (Doc. #126). According to that form, summons and the complaint were mailed to defendant Home at 3 Cottage Place, 2nd Floor, New Rochelle, NY 10801. According to the unexecuted form, service was not received because "No one goes by this name" at the addressed location.

Moreover, there is no indication on the docket that defendant John J. Cuevas has been served.

On June 30, 2021, the Marshal's Service docketed executed Acknowledgements of Receipt of Summons and Complaint for defendants John Gemmati and Robert B. Rosenberger. (Docs. ##127, 128). The executed forms reflect that counsel for each defendant appearing in this action, John Doran, accepted service on behalf of those two defendants. (Id.)

According to plaintiff, each defendant of this action is an employee of the New York State Department of Corrections and Community Supervision's Division of Reentry Services. (Doc. #109 at ECF 1).

Accordingly, it is HEREBY ORDERED that counsel for defendants shall file a letter by **August 13, 2021** stating whether he will accept service on behalf of the defendants who remain unserved. In that letter, counsel for defendants shall also indicate whether they require additional time to answer, move, or otherwise respond to the complaint.

Dated: August 5, 2021
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge